

### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

#### **Disposition of Claims**

Claims 1-4 were pending in this application. By way of this Reply, claims 1-4 have been amended and claims 5-15 have been added. Thus, claims 1-15 are pending in this application. Claims 1 and 15 are independent. The remaining claims depend, directly or indirectly, from claim 1.

#### **Claim Amendments**

Claims 1-4 have been amended in this Reply to clarify the present invention recited. Support for these amendments may be found in, for example, the original claims of the present application. Further, claim 5-15 have been added. These amendments are fully supported, for example, by Figs. 1 and 7 of the original Drawings. No new matter has been added.

#### **Objection(s)**

The drawings were objected to because Figures 13 and 14 lacked the designation "Prior Art." The drawings have been amended in this Reply. Accordingly, withdrawal of this objection is respectfully requested.

The claims are objected to for being indefinite. Specifically, the Examiner asserted

that the term “detective member” recited in claims is unclear. Claims 1-4 have been amended in this Reply to clarify the present invention recited. Also, Applicant respectfully submits that the detective member recited in claims corresponds to a detective button 30, for example, as shown in Fig. 1. In addition, a first electrode recited in claims corresponds to one of capacitance element electrodes E1-E4 and second electrode recited in claims corresponds to a displacement electrode 12. Further, a specified space recited in claims is defined between the detective button 30 and the displacement electrode 12. Accordingly, withdrawal of this objection is respectfully requested.

#### **Rejection(s) under 35 U.S.C § 102**

Claims 1-4 stand rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 6,373,265. Claims 1-4 have been amended in this Reply to clarify the present invention recited. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

Independent claim 1, as amended, is directed to a capacitance type sensor for detecting displacement of a detective member corresponding to a change in capacitance. Specifically, as shown in Fig. 1, for example, a portion of the sensor has a displaceable detective button 30, a plurality of fixed electrodes E1-E4, and a displacement electrode 12 facing the electrodes E1-E4, which is disposed at a distance from the detective button 30 and displaced based on predetermined displacement of the detective button 30. More specifically, claim 1 includes the limitation of “a specified space is defined between the detective member and the second electrode, whereby the second electrode is not displaced until the detective member is displaced to an extent corresponding to the specified space.”

See also page 5, lines 13-22 of the original Specification.

Morimoto et al., in contrast, fails to show or suggest at least the above limitation recited in claim 1. Morimoto et al. merely discloses an electrostatic capacitive touch sensor. Specifically, as shown in Fig. 1, Morimoto et al. discloses the sensor S comprising a substrate 1, fixed electrodes Dx+, Dx-, Dy+, and Dy- mounted on the substrate 1, and a movable electrode plate 2 mounted on the substrate 1. The movable electrode plate 2 is constituted by two sections, i.e., a silicone rubber section 20 including an operation portion 20a and a conductive rubber layer section 21. As is apparent from Fig. 1, the silicon rubber section 20 is in close contact with the conductive rubber layer section 21. There is no mention that a specified space is defined between the silicon rubber section 20 and the conductive rubber layer section 21. In fact, Morimoto et al. plainly discloses that “with respect to the XY plane, the conductive rubber layer section 21 constituting the electrode D is deformed depending on the magnitude and direction of the force that has been applied so that electrostatic capacitances of the variable electrostatic capacitive sections Cx+, Cx-, Cy+, Cy- and Cz+ are changed correspondingly.” See also Figs 3 and 4 of Morimoto et al. Thus, Morimoto et al. fails to show or suggest at least the specified space between the detective member and the second electrode, as recited in claim 1.

In view of the above, Morimoto et al. fails to show or suggest the present invention as recited in claim 1 as amended. Thus, the claim as amended is patentable over Morimoto et al. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested. Also, entry and allowance of new dependent claims 5-14 is respectfully requested.

New independent claim 15 has been added in this Reply. Claim 15 is directed to

the same subject matter as recited in claim 1 discussed above. Specifically, claim 15 includes the limitation of “a specified space is defined between the detective member and the second electrode such that the displacement of the detective member is offset by the specified space.”

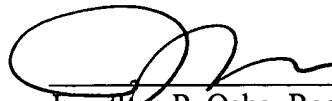
As discussed above, Morimoto et al. fails to show or suggest a specified space between the detective member and the second electrode, as recited in claim 1. Morimoto merely discloses an electrostatic capacitive touch sensor having the movable electrode plate 2 that the silicon rubber section 20 is in close contact with the conductive rubber layer section 21. New claim 15 includes similar limitations to claim 1 as amended. Therefore, Morimoto et al. fails to show or suggest the claimed invention as recited in new claim 15. Thus, claim 15 is patentable over Morimoto et al. Accordingly, entry and allowance of new claim 15 is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 07700.038001).

Respectfully submitted,

Date: 10/26/04



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IN THE DRAWINGS:

Please amend Figures 13 and 14 as shown in the enclosed replacement sheet. Also, Applicants submit that the replacement sheets are formal and enclose a separate letter to the Official Draftsperson. Figures 13 and 14 have been amended to indicate the designation "Prior Art." No new matter has been added by these amendments.